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See signature page for complete list of parties represented

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

LA CLÍNICA DE LA RAZA, et al.,

Plaintiffs,

vs.

JOSEPH R. BIDEN, et al.,

Defendants.

Case No. 4:19-cv-04980-PJH

**JOINT STATEMENT OF UNDISPUTED
FACTS FOR SUMMARY JUDGMENT**

Courtroom: 3

Judge: Hon. Phyllis J. Hamilton

Trial Date: None Set

Pursuant to Civil Local Rule 56-2 and this Court's Civil Pretrial Instructions Standing Order, ¶ A.3, Plaintiffs La Clínica de La Raza, African Communities Together, California Primary Care Association, Central American Resource Center, Farmworker Justice, Council on American-Islamic Relations-California, Korean Resource Center, Maternal and Child Health Access, and Legal Aid Society of San Mateo County, and Defendants Joseph R. Biden, in his official capacity as President of the United States, United States Department of Homeland Security, United States Citizenship and Immigration Services, Tracy Renaud, in her official capacity as the Senior Official Performing the Duties of the Director of the United States Citizenship and Immigration Services, and Alejandro Mayorkas, in his official capacity as Secretary of the Department of Homeland Security, hereby submit the following Joint Statement of Undisputed Facts related to Plaintiffs' Motion for Summary Judgment.

IT IS HEREBY STIPULATED AND AGREED by Plaintiffs and Defendants through their respective counsel of record that the following material facts may be taken as established:

1. Former President Donald J. Trump did not designate Mr. Kevin McAleenan as Acting Secretary of the Department of Homeland Security under the Federal Vacancies Reform Act, including by the former President's tweets on Twitter on April 7, 2019.

DATED: March 8, 2021

By: /s/ Nicholas Espiritu

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1 **FILER'S ATTESTATION**

2 I, Nicholas Espíritu, am the CM/ECF user whose identification and password are being
3 used to file this Joint Statement of Undisputed Facts for Summary Judgment. Pursuant to N.D.
4 Cal. Civ. L.R. 5-1(i)(3), I hereby attest that all of the parties on whose behalf this filing is
5 submitted concur in the filing's content.

6 /s/ Nicholas Espíritu
7 Nicholas Espíritu
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10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on March 8, 2021, this document was electronically transmitted to the
12 Clerk of Court using the CM/ECF System for filing and e-service on all parties.

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14 /s/ Nicholas Espíritu
15 Nicholas Espíritu
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